



U.S. Department of Justice

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

September 26, 2023

**BY ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Tarell McIlwain*, 17 Cr. 385 (PAE)**

Dear Judge Engelmayer:

The Government writes in connection with the hearing scheduled for September 29, 2023, in the above-referenced matter (the "Hearing") to request, with the consent of counsel for Tarell McIlwain that: (1) the conditions of McIlwain's supervised release be modified to include two months of inpatient drug treatment; and (2) the Hearing be adjourned for a period of no less than two months, for the reasons set forth below.

The Hearing arises from a violation report issued by the United States Probation Office for the Southern District of New York ("Probation") on September 12, 2023 (the "Current Violation Report"). The Current Violation Report alleges seven specifications concerning McIlwain's failure to participate in substance abuse treatment, use of controlled substances, and failure to report to Probation. The Government understands from conversations with Probation that Probation intends to file an amended violation report including additional specifications arising from McIlwain's arrest on or about September 22, 2023, in connection with what appears to have been a domestic dispute between McIlwain and his partner.

The Government has conferred with Sarah Baumgartel, Esq., of the Federal Defenders of New York, Inc., who has informed the Government that she consents on behalf of her client to a modification of the conditions of McIlwain's supervised release requiring him to undergo two months of inpatient treatment as directed by Probation. The Government accordingly requests, with the consent of McIlwain's counsel, that the Court so modify McIlwain's conditions of supervised release.

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As to the Hearing, the Government requests, also with the consent of Ms. Baumgartel, that the Hearing be adjourned to a date after any newly imposed term of inpatient treatment has concluded in order for the Government to provide discovery on any new specifications and to allow McIlwain to participate in inpatient treatment.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By:    
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Cc: Counsel of Record (ECF)

In light of the parties' agreement to this course of action, there is no longer a need for an evidentiary hearing on September 29, 2023, and the Court relieves counsel of the need to make pre-hearing submissions and to provide, at this time, pre-hearing discovery. The conference scheduled for September 29 will nevertheless go forward, at 10:00 a.m. as scheduled, to enable the Court, inter alia, (1) to arraign the defendant on the pending violation specifications, (2) to modify the conditions of supervised release along the lines proposed by the parties, and (3) to have an appropriate colloquy with the defendant, including about the importance of complying with the terms of supervised release as amended and the possible implications of non-compliance. The Clerk of Court is requested to terminate the motion at Dkt. Nos. 84 & 86.

9/26/2023

SO ORDERED.



PAUL A. ENGELMAYER  
United States District Judge